

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT W. DIEHL, JR., and :
MELANIE L. DIEHL, :CIVIL ACTION NO. 3:19-CV-1303
:(JUDGE MARIANI)
Plaintiffs, :
: :
v. :
: :
SWN PRODUCTION COMPANY, LLC, :
: :
Defendant. :
: :

ORDER

AND NOW, THIS THIRD DAY OF APRIL 2020, upon consideration of Defendant SWN Production Company, LLC's Motion to Dismiss the Amended Complaint (Doc. 9) and all relevant documents, for the reasons set out in the simultaneously filed Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. Defendant SWN Production Company, LLC's Motion to Dismiss the Amended Complaint (Doc. 9) is **DENIED IN PART** and **GRANTED IN PART**;
2. The Motion is **DENIED** as to Counts I, II, III, V, and VI;
3. The Motion is **GRANTED** as to Count IV;
4. Count IV is **DISMISSED WITHOUT PREJUDICE**;
5. Plaintiffs are granted leave to amend Count IV of their Amended Complaint and file one all-inclusive amended complaint **within fourteen (14) days** of the date of this Order;

6. Failure to timely file the allowed amended complaint will result in Count IV's dismissal becoming a dismissal with prejudice.

s/ Robert D. Mariani

Robert D. Mariani
United States District Judge